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LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

Letter dated 11 August 1992 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

I have the honour to transmit the following three documents:

1. Letter of the President of the Federal Republic of Yugoslavia, Mr. Dobrica Cosic, addressed to the Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali (Belgrade, 5 August 1992) [annex I];

2. Statement of the President of the Federal Republic of Yugoslavia, Mr. Dobrica Cosic, delivered at the Consultative Meeting on National Minorities and Ethnic Groups (Belgrade, 7 August 1992) [annex II]; and

3. Statement by the Prime Minister of the Federal Republic of Yugoslavia on the alleged existence of "concentration camps" (Belgrade, 6 August 1992) [annex III].

I would like to request that the necessary arrangements be made to have the above three texts issued as an official document of the First Special Session of the Commission on Human Rights due to be held in Geneva on 13 and 14 August 1992.

(Signed) Branko Brankovic
Ambassador
Chargé d'affaires a.i.

GE.92-13102/4778B (E)

Annex I

LETTER DATED 5 AUGUST 1992 FROM THE PRESIDENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ADDRESSED TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

With reference to unfounded allegations of the existence of concentration camps on the territory of the Federal Republic of Yugoslavia, I should like to propose the setting-up of an international commission composed of prominent international figures, preferably former concentration camp inmates like, for example, Mr. Elie Wiesel, with the task to examine the plausibility of the claims that such "concentration camps" are in existence in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia. My country is willing to extend every possible support and assistance to such a commission.

I would be grateful to you, Mr. Secretary-General, if you could personally establish such a commission.

Annex II

STATEMENT OF MR. DOBRICA COSIC, PRESIDENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA, AT THE CONSULTATIVE MEETING ON NATIONAL MINORITIES AND ETHNIC GROUPS (BELGRADE, 7 AUGUST 1992)

Allow me, before we proceed with our meeting, which is indeed of eminent social importance for the Federal Republic of Yugoslavia, to make a number of general remarks concerning questions of principle.

The disintegration of the Soviet Empire, the end of the cold war, the collapse of communist regimes with an internationalist ideology are developments of epochal proportions, propelled, inter alia, by vigourous national liberation and democratic energies. These developments have created objective conditions for integral national emancipations, but equally also for the victory of nationalistic and secessionist ideologies which sparked off and fanned the fire of Chauvinism, that had been suppressed by the dictatorship of communist parties and controlled by the autocracy of their leaders. From Vladivostok to Trieste, national issues have become the basic social and political issues, identified with the emergence of democracy.

Parallel with the national question, the State question has also been organically raised, i.e. a demand for the territorial and State reconstruction of States created after the First and Second World Wars, in point of fact a single war, waged at two intervals. These contemporary developments have also confirmed the identical nature of nationalism and statism: namely, in multinational States all nationalisms are secessionist but nationalism as a markedly anti-communist ideology, wherever it reigned, was manifested in the processes of disintegration of totalitarian regimes also as a democratic aspiration and a form of collective political emancipation. Since it reflects the primary political consciousness of the majority of the ethnic groups on whose behalf it is promoted.

It is to be noted that: the investing of national ideologies with democratic substance, the promotion of a democratic character of national ideologies in our era, i.e. their contents, objectives and methods of realization, have been strongly influenced by the universalistic ideology of human rights, codified by international forums, first of all by the Helsinki Charter and the Charter of Paris of the Conference on Security and Cooperation in Europe.

Indubitably, the universalization of human rights in our age is a step forward in terms of quality in the development of the democratic civilization of mankind. However, this new phenomenon in the development and humanization of democracy, instrumentalized as an ideology, is becoming and has in fact become not only advocacy and application of the principles of human freedoms and rights, but also a vehicle of domination and hegemony in international relations, a legitimate means of political pressure aimed at achieving individual or group State objectives. As any ideology, the ideology of human rights in terms of politics and in terms of realization methods also

constitutes a "distorted consciousness"; an overt or covert political and national egotism, and thus, also even undemocratic interests and objectives.

The temptations of the universalization of human rights and of the criteria for their exercise are especially evident in international forums when they are in the service of objectives which are beyond the freedoms, rights and equality of people and peoples, and which, regrettably, has also been the case with Yugoslavia.

Of the extensive body of human and civil rights we are today dealing with the problem of national minorities. This is a very complex issue, and can, in terms of the outcome of the ongoing processes and developments, indeed be fateful for inter-ethnic relations in the Federal Republic of Yugoslavia and its political stability.

The issue of national minorities and ethnic groups in the territory of the former Yugoslavia has been complicated and dramatized by the downfall of the Titoist order and the breakup of Yugoslavia, the collapse and disintegration which turned into an inter-ethnic, religious and civil war. "The country of brotherhood and unity", "The State which had solved the national question in the most democratic way", as claimed by Titoist ideologues, was, in a matter of a few years, turned into an area of terror and carnage, of devastation and burnt down ruins, into an arena of genocidal war, seriously threatening to spread to all Yugoslav and Balkan lands. There exists a real danger that this soil could become the battlefield of nations, religions and State ideologies, the scene of military interventions and hegemonist antagonisms of the great powers.

The political issues of national minorities and ethnic groups are today not only questions of democracy: they are questions of war or peace, progress or retrogression, hence, questions of the very survival of the majority nations as well; in fact of the survival of all the peoples in the Yugoslav and Balkan region. It has to do, I would say, with that "eternal" human incertitude on our soil.

These questions of national freedom, ethnic identity and integrity, the creation of national States, have been preoccupying the peoples of South-East Europe and of the Balkans for centuries and were always, given the geopolitical environment, European and world issues, with three centuries featuring the East question. War and peace in these areas have never been local and particular problems. For, the peoples of South-East Europe and of the Balkans are very much peoples in Diaspora; all these nations have national minorities, in their own and in neighbouring countries. National minorities, parts of peoples in another State and in other States, have been the cause and motive of many a liberation war and war of conquest. Those causes and motives have not been pacified by the present-day constellation of the world; judging by some tendencies, it is the source of their resurgence and invigoration. The breakup of the Soviet Union and its empire, the disrupted balance of powers strategically interested in the Balkan Peninsula, with the decomposition of Yugoslavia and of Czechoslovakia, have led to a State and political restructuring of the Yugoslav and Blakan area, with, consequently, residual energies coming to the fore with full might and with recognizable

Nazism, Ustashi and Chetnik aspirations, Bolshevism, Balist, VMRO and Islamic fanaticism, or, translated into political programmes, with these residual collective energies clearly pursuing national-ideological objectives: Greater Albania, Greater Hungary, Greater Croatia, Greater Bulgaria, the Islamic Republic of Bosnia and Herzegovina with Sandžak, and, on the Serbian side - the Greater Serbia project - from Prilep to Karlobaq.

In these national-ideological and greater-State prospects were only reflections of national romanticisms and the ideas of political daydreamers, if brigades, divisions, corps of young and old men brandishing machine guns and mortars did not rally under their museum-piece battle standards, if the great powers, and even the most authoritative forums of the international community did not stand behind these armed national legions with their arms, their propaganda and political support, with the force of ultimata and sanctions, today we would not have to talk about the rights of national minorities and ethnic groups in the territory of the Federal Republic of Yugoslavia with such uneasiness and apprehension as to what the first dusk or the first dawn holds in store. Were we not in the circumstances that we are in, that would be a current, democratic and humanistic issue, addressed in markedly academic terms.

However, in Europe, in the Balkans, "History definitely has not exhausted its course". At this moment we are compelled to recall its grave and tragic truths, truths from our not too distant past. The motivation for all the aggression in the Second World War, driven by the ideology of Nazi Germany. With its satellites - Italy, Austria, Hungary, Bulgaria and Albania - against European nations generally and Yugoslavia particularly - was the objective of liberating "subjugated fellow countrymen"; it is from the ranks of these "subjugated countrymen" that the massive and notorious "Fifth Column" was recruited, which, with support and instructions from the armies and Governments of their parent countries, committed the crime of genocide in Vojvodina, Kosovo and Metohija, South Serbia and other parts of Yugoslavia. This behaviour of a considerable number of members of national minorities was, fortunately, for the sake of both the majority and the minority peoples, expunged, papered over and condoned to oblivion, because of the participation of members of these national minorities in Yugoslav anti-Fascist struggle but also thanks to the pragmatic ideology of the Communist Party, which also provided for important positive solutions to the national question of the Yugoslav peoples, solutions that were corrupted and, in point of fact, morally, politically and psychologically ruined by principles of symmmetrical responsibility for war crimes. That notwithstanding, we can note that in the time of peace, in the Second Yugoslavia, a truly cogent policy of national and civil equality of national minorities was fully implemented.

Political and cultural rights in Serbia, particularly in Vojvodina and in Kosovo and Metohija were truly up to the level of the highest international standards of democratic culture - until the secessionist-led dismemberment of Yugoslavia, until the renewal of the Ustashi movement in Croatia and the chauvinist, anti-Yugoslav and anti-Serbian objectives started figuring in political movements and parties, especially in Kosovo and Metohija. These secessionist and chauvinistic drives within the ranks of national minorities and ethnic groups were motivated by the greater-State aspirations of their

parent countries and encouraged and steered by certain international factors which would now like in circumstances of peace and of the downfall of Bolshevist socialism to emerge victorious from the Second World War which they lost; or, to use the Yugoslav peoples and the Serbian people as a bargaining counter in the service of their dominations, hegemonies or dependencies in other parts of the world. Thus, this new and current wave of the nationalistic and xenophobic politicizing of narrower or broader strata or national minorities on the soil of the Federal Republic of Yugoslavia, all those ultimatum-like demands for a "special status" have seriously marred inter-nationality relations, they have provoked and encouraged Serbian nationalism and chauvinism, so vehemently as to further deepen inter-ethnic schisms in multinational communities. Such inter-ethnic relations, and in particular secessionist demonstrations, sabotage, subversive activities, violence against the Serbian population, murders of representatives of the authorities, obstructions of all kinds in Kosovo and Metohija, have led to the deprivation and restriction of national and civil rights to minority collectivities. Today the situation in Kosovo and Metohija is exceptionally difficult and incompatible with a democratic society. Life in multinational and multiconfessional communities has become trying, uncertain, grievous. Interpersonal relations, good-neighbourliness, friendships, families, loves have been destroyed. Everyone fears everyone else; all see the others as enemies.

Under such circumstances, refusal of the Democratic Alliance of Kosovo and the Party of Democratic Action of Sandžak to engage in a dialogue and cooperate with the authorities of the Republic of Serbia, and today with the authorities of the Federal Republic of Yugoslavia, constitute a dangerous policy of exacerbation of inter-ethnic relations, renunciation of democratic methods, continuation of illegal, unconstitutional activity through the creation of Albanian para-statal organs, with all this threatening with the outbreak of inter-ethnic and civil war which would be fatal for all nations living in Kosovo and Metohija.

Common sense, and I mean every possible humanistic, democratic and civilizational reason, tells us that we should overcome the present state of affairs through dialogue, by cooperation, freedoms, tolerance, by ensuring and expanding human and civil rights national minorities in the Federal Republic of Yugoslavia.

The world and the time that we live in make it incumbent on us and possible for us to shift our positions and approaches vis-à-vis the subject of our dialogue and debate from a markedly negative one to a positive and more universal philosophy. The collapse of both the "right" and the "left" totalitarianisms makes for democratic and peaceful solutions to national questions, i.e. for the exercise of the rights of the peoples of South-East Europe and of the Balkans with a view to a durable and harmonious stabilization. To miss out on this historic opportunity would be tragic for our world and for the present generations. There exist objective conditions for use to aspire after lasting and peaceful solutions to inter-ethnic disputes and contradictions now in existence. It is upon us to take advantage of that possibility and to resolutely act to that end.

That we are to ensure the full exercise of human rights to all nationalities and ethnic groups is also an exigency of the civilization that

we live in. Namely, we are witnessing an epoch in which the ethnic and national identity with its archetypal roots, its specific spirituality, culture, way of life, system of values, morals, aesthetics and poetics of life, with all of its specificity of existence that is, is being threatened and in some respects in fact annulled by the uniformitarian energies of the technical-technological and consumer-minded CMLI.

Contemporary national awakenings, contemporary nationalism and ethno-centrisms are also a reflection of a spontaneous, survival-instinct-based resistance to the annihilation of distinctness, originality, the rich variegation of the human kind, created for millennia.

To respect the freedom of and right to specificity, to create objective social conditions for the enrichment and preservation of ethnic identity is among the loftiest aims of all humanistic endeavours in this world, of all democratic societies in the international community.

As a multinational State, as a democratic community of peoples and citizens, the Federal Republic of Yugoslavia would have no raison d'etre, nor could it exist, if on its soil all human rights codified under universal conventions and according to the criteria of the highest democratic culture were not exercised.

The preconditions for these aims to be achieved are the renunciation of secessionism by political movements and parties of national minorities and ethnic groups, their acceptance of the Federal Republic of Yugoslavia as their State, in which they as citizens can fully realize their equality with the people constituting the majority, it is essential that obstruction should be abandoned and active participation instead be adopted in Government and generally in the social, economic and cultural life of the country; manipulations of minority communities by external factors are to be resisted and the interests of these communities should be harmonized with those of the majority nation. To have rights - that is to have responsibilities as well.

A prerequisite for the Federal Republic of Yugoslavia to really be a democratic community, a State ensuring the rule of law, an enlightened State, is that it is respected as such, that it can realize itself as such and enrich the civil and national rights of its people of all nationalities, ethnic and religious affiliations. We can and we want to put an end to all forms of discrimination of citizens and inequality before the law, to all and any policy of denial and restriction of national and human rights, to all and any arbitrariness on the part of State bodies, to all violence and to all violations of human and national dignity by the majority nation and members of the majority nation vis-à-vis citizens members of national minorities and ethnic groups.

It is the national policies and social objectives which are on a collision course with this aim of ours that lead to genocidal wars, enslavement and extermination.

Whereas, we can and we want to promote and humanize a society which will be ethnically, culturally, and spiritually rich in diversity.

Annex III

STATEMENT BY THE PRIME MINISTER OF THE FEDERAL REPUBLIC OF YUGOSLAVIA, MR. MILAN PANIC, ON THE ALLEGED EXISTENCE OF "CONCENTRATION CAMPS"
BELGRADE, 6 AUGUST 1992

On his sudden visit to lake Palic in Vojvodina where, according to reports submitted to the United Nations, alleged concentration camps had been set up by Serbs for Croats and Muslems, the Prime Minister of the Federal Republic of Yugoslavia, Mr. Milan Panic, stated to a group of foreign journalists accompanying him that the aim of his visit was to check on the allegations contained in the United Nations report.

Noting that he was Prime Minister of the Federal Republic of Yugoslavia, Mr. Panic said he was not in a position to control what was going on in Bosnia and Herzegovina and that he had received the United Nations paper only a few days after having visited the military base in Batajnica. The United Nations paper contained a list of alleged concentration camps, Batajnica being one of them with, apparently, 2,200 civilians detained. "In Batajnica I saw many planes and an incredible air base", Mr. Panic said.

"Subotica, that is Palic, was also on the list. It says here that in the Palic camp there are aroung 5,000 people. I am here to see it, open the doors and free every single person and to bring to court those responsible", Mr. Panic added.

After having visited the camp, which houses around 300 refugees, the Prime Minister offered US$ 5,000 to any of the journalists who could find the alleged camp.

"I am happy I found no concentration camp", Mr. Panic went on to say after two-hours talks with the refugees. The Muslem refugees had pointed out that they had no problems, that they were provided with everyday needs on a regular basis and that the Serbs treated them well. On being asked where they would wish to go most of them simply shrugged their shoulders, adding "wherever we could lead a normal life but the best place is home".

Asked why such allegations were being made, Mr. Panic said it was all part of the politics and policital moves stemming from various interestes and the overall international relations which do not even hesitate to risk human lives. Mr. Panic added that it would be better if the world focused on achieving genuine peace in Bosnia and Herzegovina.

The Director of the refugee camp, Mr. Stipanovic, said the camp had been toured by 16 foreign delegations and 34 teams of journalists. Delegations had included the representatives of the office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in Geneva, Helsinski Watch and other international organizations.

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Note by the Chairman

The Chairman of the Commission on Human Rights draws the attention of the Commission to a letter he has received dated 5 August 1992 addressed to him by the President of the Republic of Bosnia and Herzegovina.

GE.92-13108/4949H (E)

We beg you to form a group of the United Nations Commission on Human Rights and to send it urgently to Bosnia and Herzegovina in order to investigate the situation concerning the concentration camps in which more than 100,000 non-Serbian members of the civilian population are currently incarcerated.

We suggest that the situation in the Prijedor area be investigated first, for, as far as we know, there are 13 camps and prisons holding 33,500 detainees. The worst of these by [illegible] the Omarska camp near Prijedor, where soldiers of the Banjaluka Corps of the Yugoslav Army, with the aid of members of the Serbian Democratic Party and of volunteers from Serbia and Montenegro, are practising various forms of torture on several thousand prisoners. It would be very useful if a group of the United Nations Commission could visit the Omarska camp immediately and submit its report to the Commission for the emergency meeting proposed for the next week.

According to the testimony of a survivor, 18-year-old Elvira Joksić, who succeeded in escaping together with her 8-month-old child, her husband was beaten to death in that camp. The four "S" letters, the symbol of the Serbian extremists, were carved on his chest - as was done to many other prisoners. Drunken terrorists fired point-blank into the breast of Sabiha Garibović before the eyes of her two young children. According to the testimonies of other witnesses, many prisoners have been killed by having their heads beaten against walls. The majority of the inmates of Omarska are civilians aged from 16 to 65. Amongst them are many intellectuals from Prijedor, including 12 priests. Some reports say that 13 lorryloads of bodies have been taken from this camp and buried in a common grave.

The International Committee of the Red Cross has not been allowed to visit this camp.

A visit by members of your Commission, Mr. Chairman, would be the best way of establishing the true facts about the concentration camps in Bosnia and Herzegovina. I very much fear that we are dealing with the cruellest and most massive abuse of human rights since the Second World War.

For this reason we await the arrival of your group as soon as possible.

(Signed) Alija Izetbegović
President of the
Republic of Bosnia
and Herzegovina

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LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

Letter dated 10 August 1992 from the President of the Republic of Bosnia and Herzegovina addressed to the Secretary-General of the United Nations

- Reiterating our already expressed intention, as a Member State of the United Nations and of the Conference on Security and Cooperation in Europe, to respect in their entirety all universal and regional systems protecting human rights,

- having in view the fact that the United Nations Security Council has already, in its resolution 752 (1992) condemned the aggression against Bosnia and Herzegovina in accordance with Chapter VII of the Charter of the United Nations,

- expressing our readiness to fulfil all the obligations we have undertaken in signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols to this Convention of 1977,

- bearing in mind the evidence presented by governmental and non-governmental organizations, surviving witnesses, and local and foreign journalists concerning the drastic violations of international humanitarian laws as relating especially to civilians on the territory of the Republic of Bosnia and Herzegovina,

- and expressing our desire that justice should be satisfied and that conditions should be created for the continued existence and common life of all citizens of the Republic of Bosnia and Herzegovina on a multi-national, multi-confessional and multi-cultural basis,

We, the Presidency and Government of the Republic of Bosnia and Herzegovina, propose:

1. That an unprejudiced and independent legal body be created having the function of an international court [which] should work under the patronage of the United Nations and as an ad hoc organ of the London Conference on Yugoslavia.

2. That the creation of this court should utilize the experience of the work done by the International Military Tribunal at Nürnberg, that is, the Nürnberg precedent in international law.

3. That within the competence of this court should be included crimes against peace, crimes against humanity, war crimes and the crime of genocide.

4. That the legal basis for the work of this court should be all relevant acts connected with the international protection of human rights and rights in time of war of both a universal and a regional character, and in particular:

(a) The Nürnberg principles which, as opinio juris, were confirmed by the international community in General Assembly resolutions 3 (I) and 95 (I) of 13 February and 11 December 1946;

(b) The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols to this Convention of 1977;

(c) The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 1968;

(d) The Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

5. That in determining the severity and type of sanctions applied to war crimes, the court take into account the provisions of the Criminal Law of the Republic of Bosnia and Herzegovina which concern violations of international law.

6. That the composition of this court include distinguished experts in international law who are specialized in such matters, but none of whom are citizens of any of the States that have come into being as a result of the disintegration of former Yugoslavia, so that the lack of prejudice and the independence of the court may be guaranteed.

7. That the procedures and organization of the court be based on the principles of ad hoc arbitration, respecting at the same time in the course of its work all guarantees confirmed by international law.

8. That international humanitarian organizations - in the first place the International Committee of the Red Cross and the United Nations High Commissioner for Refugees as well as other international and Bosnian and Herzegovina governmental and non-governmental organizations which concern themselves with problems of human rights - should be directly included in the preparatory work of the court.

(Signed) Alija Izetbegovic
President

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Letter dated 7 August 1992 from the Chairman of the Committee on the Elimination of Racial Discrimination addressed to the Chairman of the Commission on Human Rights

The Committee on the Elimination of Racial Discrimination has followed with grave concern the developments taking place in former Yugoslavia. It would welcome the convening of an exceptional session of the United Nations Commission on Human Rights to examine the situation arising from the massive human rights violations taking place, particularly in Bosnia and Herzegovina, as a result of the policy of "ethnic cleansing" being carried out by Serb militias.

The Committee notes the deep concern expressed by the Security Council at the continuing reports of widespread violations of international humanitarian law and, in particular, reports of the imprisonment and abuse of civilians in camps, prisons and detention centres within the territory of former Yugoslavia and especially in Bosnia and Herzegovina.

These aspects of the tragic situation are of particular concern to the Committee. The Committee would like to join in expressing alarm at the situation and trusts that the Commission on Human Rights would take expeditious and effective measures at its forthcoming exceptional session with a view to putting an end to the violations of human rights and human suffering and providing protection for the civilian population. The Committee expresses its readiness to cooperate in this endeavour within the framework of the mandate entrusted to it by the Convention on the Elimination of All Forms of Racial Discrimination.

(Signed) Luis Valencia Rodríguez
Chairman

GE.92-13181/4979H (E)